

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

As previously, claims 1-4, 8-11 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable by U.S. Patent 6,529,475 to Wan. Claims 5-7, 12-14 and 19-21 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,529,475 to Wan in view of U.S. Patent 6,678,250 to Grabelsky. All prior art rejections are respectfully traversed for at least the following reasons.

Applicant has previously emphasized that, in U.S. Patent 6,529,475 to Wan, the monitoring is performed at the gatekeepers 100 and the Wan analysis is performed at the Wan central server (which can either be remote [as in Fig. 1] or at the gatekeepers [col. 7, line 65+]). Whereas by contrast, Applicant's independent claims 1, 8, and 15 all require both monitoring at an IP telephonic gateway and analysis (a determination if the incoming call is to be accepted) by the IP telephonic gateway. Applicant has further emphasized that a gatekeeper and a gateway are different animals, and that the person skilled in the art would not be motivated to make the double consolidation of combining Wan's central server with Wan's gatekeeper, and then configuring Wan's gateway to perform to perform the separately layered functions of Wan gatekeeper.

Applicant adheres to the previous arguments, briefly summarized above. By the present amendment Applicant has further distinguished his independent claims over those of the applied prior art by amending the independent claims to require that the monitoring mechanism is used instead of or as a supplement to a RTCP mechanism. The amendatory language is amply supported by the specification, including the next-to-the-last paragraph on page 9 (see, e.g., the last sentence of such paragraph).

Applicant contends that his monitoring, unlike that of U.S. Patent 6,529,475 to Wan, is not limited or confined or solely influenced by an external protocol such as RTCP for obtaining the quality indicators. By depending on an external protocol, Wan inherently limits the information available to the decision, the limiting being to only the information available in this external protocol. Applicant, on the other hand, examines the voice packets themselves, making it possible to obtain much more elaborate statistics, and thereby allowing more precise admission decisions.

The fact of Applicant's packet-based analysis is reflected by amendments to independent claims 1 and 8. Specifically, Applicant has amended independent claims 1 and 8 to specify that, at the IP telephony gateway, a multiplexing of packets occurs, i.e., a multiplexing of packets from multiple calls including the incoming call into a single packet. Support for the amendatory language resides, e.g., in the last paragraph on page 1 and the first paragraph on page 2 of the specification.

In the case of Wan, the RTP and RTCP streams just pass through the gateway nodes, while Applicant's gateways act as the source and sink of the RTP and the corresponding RTCP streams. Due to the fact that Applicant's gateways generate the RTP and the corresponding RTCP streams, Applicant explicitly allows for other (e.g., non-RTCP) monitoring methods to be used as a basis for the admission control decision. Wan, on the other hand, is restricted to use the RTCP monitoring method and quality indicators including in RTCP since this is the only possible input coming from the end systems.

Moreover, U.S. Patent 6,529,475 to Wan considers multiple voice streams coming typically from multiple different end-users to be carried in a single RTP stream. This actually means that Wan needs to track as many RTCP streams as there are parallel calls are going between the end-users. Applicant, on the other hand, monitors with plural

aggregated RTP and RTCP (or other type of monitoring) streams per interconnected gateway pair. Applicant's technique thus advantageously scales to a much higher number of end-users.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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